

Remarks

Claims 1-17 are pending in the application. Claims 1-12 and 15-17 are rejected. Claims 9, 13 and 14 are objected to. Claims 4, 5, 9 and 15 are amended. All rejections and objections are respectfully traversed.

Claims 4 and 5 are amended to depend from claim 3.

Claim 9 is objected to because of an informality. Claim 9 is amended to correct the informality. No new subject matter is added.

Claim 15 is amended to correct a grammatical error.

The invention is a two-way asynchronous communications device with means for determining whether an input audio signal is a command or an acoustic signal to be transmitted. If the input audio signal is a command, the command is responded to and processed. Otherwise, the input audio signal is stored in an output buffer and transmitted when a communications channel is available. An input buffer stores received acoustic signals until accessed by a play command.

Claims 1-7 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (U.S. Patent No. 5,267,323) in view of Nichols (U.S. Patent No. 5,109,525).

The invention determines whether an input audio signal is a command to be processed or an audio message to be transmitted. Kimura only converts voice commands to a remote control signal. Kimura cannot distinguish between an audio message and a command as the invention does. Kimura never even processes a command, as claimed. Kimura only converts a voice command to a remote control signal.

Nichols describes a two-way radio with voice message storage. Nichols cannot distinguish between an audio message and a command as the invention does. Nichols transmits *all* input audio signals.

The combination of Kimura and Nichols never teaches, shows or suggests determining whether the first acoustic signal is a command and otherwise sending the first acoustic signal as an output audio message, as claimed.

Regarding independent claims 1 and 17, the invention determines whether an input audio signal is a command or an acoustic signal to be transmitted. Kimura describes a voice-operated remote control device. Kimura (1) inputs a voice command into a transmitter, (2) converts the voice command to a remote control signal, (3) transmits the remote control signal to a receiver, (4) decodes the remote control signal to a control command, and (5) supplies the control command to a controlled device. (see col. 3, lines 14-21). The device of Kimura can *only* convert a voice command to a remote control signal and transmit the remote control signal to a receiver. Nowhere does Kimura describe determining whether an input audio signal is a command or an acoustic signal, or asynchronously transmitting an audio output message.

Kimura transmits command data *only*, i.e., remote control signals, and does so synchronously. Furthermore, Kimura does not store acoustic signals in either an input or an output buffer. The speech storage unit of Kimura stores *data corresponding to a voice command* to enable a user to retrieve a forgotten command, see col. 3, lines 9-13. Specifically, Kimura states, at col. 4, lines 48-55,

The speech storage unit stores data of a voice command. In response to an external reproduction com-
50 mand signal, the speech reproduction unit reads the stored voice command data from the speech storage unit, and converts the voice command data into a voice output. Therefore, the word corresponding to the voice command can be reproduced as the voice output when
55 necessary.

The above storage unit stores only voice command data. The invention processes commands but stores messages which are distinguished from commands in the claim, i.e., *determining whether the first acoustic signal is a command, and if the first acoustic signal is a particular command, then responding to the particular command in an output device of the radio and processing the particular command, and otherwise storing the first acoustic signal in an output buffer of the radio and sending the first acoustic signal as an output audio message*, as claimed. Kimura converts and stores commands only. The invention processes commands and stores messages.

Further, claimed is responding to and processing the particular command in an output device of the radio. As stated above, Kimura is a remote control device, which transmits a control signal converted from a voice command. See col. 6, lines 20-26:

20 As shown in FIG. 1, a remote control system 100
comprises a transmitter 101 for transmitting a remote
control signal from a position remote from a controlled
device 103 such as an AV device, and a receiver 102 for
receiving the transmitted remote control signal, decod-
25 ing the remote control signal, and sending the de-
coded information to the controlled device 103.

Kimura never determines whether an input audio signal is a command or an audio message to be transmitted, never transmits audio messages, and never responds to or processes a command. Kimura can only convert a voice command to a remote control signal and therefore cannot be used to make the invention obvious.

In claim 2, the first and second acoustic signals are generated in a microphone, and the response is sent to a speaker.

Claim 3 recites activating an indicator when receiving the input audio message. In claims 4 and 5, the indicator is a light emitting diode or a mechanical vibrator, respectively. The light emitting diode described in Kimura is energized when *transmitting* the remote control signal. Claimed is activating an indicator when *receiving* the input audio message. A person of ordinary skill in the art would never confuse transmitting with receiving. Further, it appears the Examiner has confused a remote control signal converted from a voice command with an audio message. Kimura is useless for making the invention obvious.

The Examiner has failed to provide a basis for rejecting claims 6, 7 and 16. Therefore, claims 6-7 and 16 are understood to be allowable. Further, the

Applicants have reviewed Kimura and cannot find sensing of movement in a device for generating a command, or selecting a silence mode, as claimed.

In claim 15, the responding further comprises synthesizing a response message. The Examiner is reminded that Nichols never responds to commands, as claimed. Nichols only transmits messages.

Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (U.S. Patent No. 5,267,323) in view of Nichols (U.S. Patent No. 5,109,525), and further in view of Betros et al. (U.S. Patent Publication No. 2002/0099795).

Betros describes a method for communicating an HTTP request from a client to a web server. The HTTP request is configured to initialize a gateway interface that operates within or in conjunction with the web server. The operations perform the two-way asynchronous communication with the client through the web server such that the web server maintains a direct socket connection with the client.

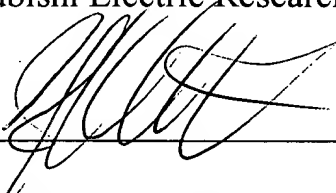
Claim 8 recites communicating input and output audio messages among a plurality of two-way radios via a wide area network. In claim 9, the input and output audio messages are stored in servers connected to the wide area network. In claim 10, the wide area network includes a packet switched network. In claim 11, the wide area network includes an Internet network. In claim 12, each two-way radio has a unique physical identification, and an associated logical identification.

Betros only describes communicating an HTTP request, which is defined in paragraph [0004] as an application level protocol. Claimed is communicating input and output audio messages among a plurality of two-way radios via a wide area network. A person of ordinary skill in the art would never confuse asynchronous communication of HTTP requests as in Betros with communicating audio messages as claimed. Further, Betros never describes audio messages or two-way radios anywhere. Therefore, Betros is irrelevant to what is claimed.

It is believed that this application is now in condition for allowance. A notice to this effect is respectfully requested. Should further questions arise concerning this application, the Examiner is invited to call Applicant's attorney at the number listed below. Please charge any shortage in fees due in connection with the filing of this paper to Deposit Account 50-0749.

Respectfully submitted,
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